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REALNETWORKS, INC.

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12  
13 IN THE UNITED STATES DISTRICT COURT  
14 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
15 SAN FRANCISCO DIVISION

16 REALNETWORKS, INC.

Case No. C-08-0023 MHP

17 Plaintiff and Counterclaim-  
18 Defendant,

**STIPULATION AND ~~PROPOSED~~ ORDER  
OF DISMISSAL WITH PREJUDICE**

19 vs.

20 BURST.COM, INC.

21 Defendant and Counterclaimant.  
22

23 The undersigned parties, through their respective counsel, signed a Confidential Settlement  
24 Agreement and hereby stipulate to dismissal of the above-captioned case with prejudice as follows:

- 25 1. All claims and counterclaims are dismissed with prejudice.  
26  
27 2. RealNetworks, Inc. ("RealNetworks") and its successors and assigns reserve the right to  
28 challenge the validity and unenforceability, and nothing in this Stipulation of Dismissal shall prevent

1 them from challenging the validity or unenforceability, of any patents asserted in this action or any  
 2 patents owned or controlled by Burst.com, Inc. ("Burst") in any litigation, court or other proceeding in  
 3 which Burst or its successors or assigns or any owner of a Burst Patent (as defined in the parties'  
 4 confidential Settlement Agreement) or other party asserts that RealNetworks, its Affiliates, or the  
 5 direct or indirect customers, users, licensees, distributors, retailers, or direct and indirect suppliers of  
 6 RealNetworks or its Affiliates, directly or indirectly infringe the Burst Patents to the extent that, and  
 7 solely to the extent that, they make, have made, use, purchase, sell, offer for sale, lease, import, export,  
 8 or otherwise dispose of RealNetworks Licensed Products (as defined in the parties' confidential  
 9 Settlement Agreement) alone or in combination with their own products, services or other activities, or  
 10 otherwise, in connection with any RealNetworks Licensed Product, practice any method claimed in  
 11 any Burst Patent.  
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13  
 14 3. Each party shall bear its own costs of suit and attorneys' fees.

15 4. The Court shall retain jurisdiction in this action to resolve any disputes concerning or  
 16 arising out of this Stipulation of Dismissal With Prejudice and the parties' Settlement Agreement.

17 The electronic filer hereby attests that the individuals whose names appear below have signed  
 18 this document. See General Order 45, Section X.

19 Dated: May 12, 2008

20  
 21 By: /s//Robert F. Kramer  
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BURST.COM, INC.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 5/14/2008

The Honorable Marilyn H. Patel  
United States District Court, J.

